

Appl. No. 10/667,187
Amendment dated August 10, 2006
Reply to Office Action mailed 5/10/06

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Remarks

I. Claim Status

Prior to this amendment claims 1-12, 14 and 15 were pending in the above-identified application. Claims 9, 14 and 15 stand withdrawn. In this Amendment, claim 1 has been amended to correct typographical errors and to simplify the claim. Claims 16-22 have been added and claim 12 has been cancelled. Accordingly, after entry of this Amendment, claims 1-8, 10, 11 and 16-22 are pending in this case. The changes to the claims do not constitute the addition of new matter and full support for the changes may be found in the specification and claims as originally filed.

II. Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-3 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The terms "acid" and "ester" previously rejected as indefinite have been deleted from claim 1, rendering moot the rejection that the addition of carbon limitations to these terms was not supported in the specification.

The typographical errors in claims 1 and 2 noted by the examiner have been corrected.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-3 under 35 U.S.C. §112, second paragraph.

III. Rejection Under 35 U.S.C. §112, First Paragraph

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. A proviso was added to claim 1 which the examiner alleges is not supported in the specification. Applicants respectfully traverse this rejection. However, in order to advance the prosecution of this case, Applicants have removed the objected to proviso from claim 1.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. §112, first paragraph.

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Claim 12 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection. However, in order to advance the prosecution of this case, Applicants have deleted claim 12, rendering this rejection moot. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 12 under 35 U.S.C. §112, first paragraph.

IV. Rejections Under 35 U.S.C. §102(b)

Claims 1, 4, 10, 11, and 12 remain rejected under 35 U.S.C. §102(b) as anticipated by Gillibert (I) [CA 137:169512] which is an abstract of WO 02/062793. Applicants respectfully submit that this reference is not applicable to the claims in this application. Claim 1 of the original provisional application 60/412,120 to which this application claims priority contained a proviso that reads "with the proviso that when R⁴ is NH₂ and X is S, then R¹ is not an amino-substituted pyridyl or pyrimidinyl moiety". All of the structures disclosed in Gillibert (I) have amino-substituted pyridyl or pyrimidinyl substituents at the position corresponding to R¹. Therefore, Gillibert (I) is not a proper reference against any of claims 1, 4, 10, or 11. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 4, 10, and 11 under 35 U.S.C. §102(b) as anticipated by Gillibert (I).

V. Objection to Claims 4-8 and 10-11

The examiner has objected to claims 4-8 and 10 and 11 as being dependent on a rejected base claim. Applicants believe that the base claim from which these claims depend is now in condition for allowance and respectfully request that the objection be withdrawn.

It is respectfully submitted that the claims have been put in condition for allowance. Notification to this affect is earnestly solicited. The Examiner is encouraged to contact the

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Applicants' undersigned attorney at (734) 622-4182 to discuss this matter if any questions should arise upon further examination of the pending claims.

Respectfully submitted,

August 10, 2006
Date

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